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2                   UNITED STATES DISTRICT COURT  
3                   FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4                   SAN JOSE DIVISION

5                   IN RE GOOGLE PLUS PROFILE                   CASE NO. CV-18-06164-EJD  
6                   LITIGATION

7                                                                   SAN JOSE, CALIFORNIA

8                                                                   MAY 21, 2020

9                                                                   PAGES 1 - 26

10                                                                   TRANSCRIPT OF ZOOM PROCEEDINGS  
11                                                                   BEFORE THE HONORABLE EDWARD J. DAVILA  
12                                                                   UNITED STATES DISTRICT JUDGE

13                                                                   A-P-P-E-A-R-A-N-C-E-S BY ZOOM:

14                                                                   FOR THE PLAINTIFFS: **MORGAN & MORGAN COMPLEX**  
15                                                                   **LITIGATION GROUP**

16                                                                   BY: JOHN YACHUNIS  
17                                                                   RYAN McGEE  
18                                                                   FRANKLIN AZAR  
19                                                                   201 N. FRANKLIN STREET, 7TH FLOOR  
20                                                                   TAMPA, FLORIDA 33602

21                                                                   FOR THE DEFENDANTS: **WILSON, SONSINI, GOODRICH & ROSATI**  
22                                                                   BY: MAURA L. REES  
23                                                                   650 PAGE MILL ROAD  
24                                                                   PALO ALTO, CA 94304-1050

25                                                                   OFFICIAL COURT REPORTER: IRENE L. RODRIGUEZ, CSR, RMR, CRR  
                                                                         CERTIFICATE NUMBER 8074

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY,  
TRANSCRIPT PRODUCED WITH COMPUTER.

09:37AM 1 SAN JOSE, CALIFORNIA MAY 21, 2020

09:37AM 2 P R O C E E D I N G S

09:57AM 3 (COURT CONVENED AT 9:57 A.M.)

09:57AM 4 THE COURT: LET'S CALL 18-6164, THIS IS

09:58AM 5 IN RE HP GOOGLE PLUS LITIGATION.

09:58AM 6 MS. KRATZMANN, I THINK YOU CHECKED EVERYONE IN, BUT WHY

09:58AM 7 DON'T I -- I THINK YOU CHECKED EVERYONE IN, BUT WHY DON'T I

09:58AM 8 CAPTURE APPEARANCES AGAIN FOR THE RECORD.

09:58AM 9 IF I COULD HAVE THE PLAINTIFF STATE YOUR APPEARANCES,

09:58AM 10 PLEASE.

09:58AM 11 MR. YACHUNIS: GOOD MORNING, YOUR HONOR.

09:58AM 12 MY NAME IS JOHN YACHUNIS. I'M HERE WITH RYAN MCGEE WHO IS

09:58AM 13 TO MY LEFT BUT OFF CAMERA, WHO WILL BE ASSISTING ME IN THE

09:58AM 14 PRESENTATION, AND ALSO I BELIEVE FRANKLIN AZAR, MY COCOUNSEL,

09:58AM 15 APPEARING FROM COLORADO. HE IS ALSO MAKING AN APPEARANCE.

09:58AM 16 THE COURT: MR. AZAR, I SEE YOU. WOULD YOU LIKE TO

09:58AM 17 STATE YOUR APPEARANCE?

09:58AM 18 MR. AZAR: THANK YOU, YOUR HONOR.

09:58AM 19 FRANKLIN AZAR FOR THE PLAINTIFFS.

09:58AM 20 THE COURT: THANK YOU. GOOD MORNING.

09:58AM 21 WHO APPEARS FOR THE DEFENDANTS IN THIS MATTER?

09:58AM 22 MS. REES: YOUR HONOR, THIS IS MAURA REES FROM

09:58AM 23 WILSON SONSINI ON BEHALF OF DEFENDANT GOOGLE.

09:58AM 24 THE COURT: THANK YOU. GOOD MORNING.

09:58AM 25 I'M GOING TO ASK YOU TO TURN YOUR VOLUME UP IF YOU WOULD,

09:58AM 1 PLEASE, OR ADJUST YOUR MICROPHONE IF YOU WOULD.

09:58AM 2 GOOD MORNING. IT'S NICE TO SEE EVERYONE. WE ARE

09:58AM 3 PROCEEDING BY WAY OF A ZOOM VIDEOCONFERENCE. THE COVID CRISIS

09:59AM 4 HAS SHUTTERED OUR FACILITY HERE IN SAN JOSE AND OTHERS IN THE

09:59AM 5 NORTHERN DISTRICT, AND WE HAVE ENGAGED AND CONTINUED THE

09:59AM 6 COURT'S BUSINESS VIA TELECOMMUNICATIONS AS WELL AS VIDEO

09:59AM 7 COMMUNICATIONS.

09:59AM 8 SO I APPRECIATE -- AND THANK YOU, COUNSEL, FOR AGREEING TO

09:59AM 9 PARTICIPATE IN THIS FASHION.

09:59AM 10 WHAT WE HAVE ON THIS MORNING IS PLAINTIFFS' MOTION TO

09:59AM 11 APPROVE A MOTION FOR APPROVAL PRELIMINARILY OF THIS CLASS

09:59AM 12 ACTION SETTLEMENT.

09:59AM 13 SO LET ME TURN TO PLAINTIFFS, AND I'LL GIVE YOU AN

09:59AM 14 OPPORTUNITY TO ADVISE THE COURT AS TO WHY YOU BELIEVE THE COURT

09:59AM 15 SHOULD PRELIMINARILY APPROVE THE SETTLEMENT.

09:59AM 16 AND LET ME INDICATE THAT I HAVE READ YOUR DOCUMENTS HERE,

09:59AM 17 DOCUMENT 57 AND OTHERS, THAT ATTEST TO THE SETTLEMENT AND THE

09:59AM 18 REASONS FOR IT.

09:59AM 19 SO LET ME LET COUNSEL PROCEED THEN, PLAINTIFFS' COUNSEL.

09:59AM 20 MR. YACHUNIS, ARE YOU GOING TO TAKE THAT LABOR?

09:59AM 21 MR. YACHUNIS: I AM, YOUR HONOR. THANK YOU SO MUCH.

10:00AM 22 I STARTED LITIGATING PRIVACY LITIGATION IN 1999 AND OVER

10:00AM 23 THE COURSE OF MY TIME LITIGATING PRIVACY, AND PARTICULARLY

10:00AM 24 PRIVACY CLASS LITIGATION, I'VE SEEN A MIGRATION IN TERMS OF THE

10:00AM 25 TYPES OF CLAIMS THAT HAVE ARisen, AND IT IS IN LARGE PART BASED

10:00AM 1 UPON THE WAY INFORMATION HAS NOW BECOME WHAT I WOULD DESCRIBE  
10:00AM 2 SOMETIMES AS THE NEW OIL. IT HAS BECOME, YOU KNOW, VALUABLE BY  
10:00AM 3 COMPANIES, AND CERTAINLY THE LARGEST COMPANIES ON THE FACE OF  
10:00AM 4 THE EARTH COLLECT INFORMATION AND USE IT FOR VARIOUS PURPOSES.  
10:00AM 5 AND IN THIS CASE WE'RE DEALING WITH A SOCIAL MEDIA BRAND  
10:00AM 6 OF GOOGLE THAT NO LONGER EXISTS, AND IT WAS TERMINATED SHORTLY  
10:00AM 7 AFTER THE ISSUES HERE.  
10:00AM 8 WHAT WE HAVE IS IT'S DIFFICULT TO DESCRIBE THIS AS A DATA  
10:00AM 9 BREACH BECAUSE WE DON'T HAVE A MALICIOUS HACKER WHO GAINED  
10:01AM 10 ENTRY INTO THE INFORMATION SECURITIES SYSTEM, THAT GAINED  
10:01AM 11 ACCESS TO APPROXIMATELY 53 MILLION ACCOUNTS OF CONSUMERS  
10:01AM 12 WORLDWIDE, AND AGAIN, WE'RE FOCUSSING IN ON ONLY A CLASS  
10:01AM 13 DEALING WITH U.S. USERS, U.S. CONSUMERS, PUSHING ASIDE ANYBODY  
10:01AM 14 IN THE WORLD BECAUSE OF VARIOUS JURISDICTIONAL ISSUES THAT THE  
10:01AM 15 COURT IS WELL AWARE OF.  
10:01AM 16 AND WHAT HAPPENED HERE, AS THE COURT SAW FROM THE PAPERS,  
10:01AM 17 IS THIRD PARTY APPLICATORS WHO HAD BEEN APPROVED BY GOOGLE TO  
10:01AM 18 HAVE ACCESS TO CERTAIN INFORMATION IN THESE ACCOUNTS, THESE  
10:01AM 19 ACCOUNTS WERE EXPOSED REGARDLESS OF THEIR PRIVACY SETTINGS THAT  
10:01AM 20 INDIVIDUAL CONSUMERS PLACED ON THEIR SOCIAL MEDIA.  
10:01AM 21 AND AS YOU KNOW, AND I DON'T KNOW IF THE COURT USES SOCIAL  
10:01AM 22 MEDIA, BUT TYPICALLY YOU ARE ALLOWED TO HAVE SETTINGS THAT  
10:02AM 23 INDICATE WHO IT IS YOU WANT TO SEE YOUR INFORMATION.  
10:02AM 24 OF COURSE IT RANGES FROM NAME AND ADDRESS AND OF COURSE  
10:02AM 25 YOUR GMAIL ACCOUNT, BECAUSE EVERYBODY HAS A GMAIL MAIL ADDRESS,

10:02AM 1 TO THINGS THAT ARE PERHAPS MORE SENSITIVE THAN WE CERTAINLY  
10:02AM 2 HAVE LAID OUT FOR THE FOUR CLIENTS FROM CALIFORNIA, FLORIDA,  
10:02AM 3 AND THE TWO FROM COLORADO.

10:02AM 4 SO WHAT HAPPENED AGAIN WAS THIS INFORMATION WAS AVAILABLE  
10:02AM 5 OR EXPOSED AND, YOU KNOW, IT WAS NOT TO MALICIOUS HACKERS, BUT  
10:02AM 6 AGAIN, PEOPLE WHO HAD PREVIOUSLY BEEN APPROVED BY GOOGLE TO  
10:02AM 7 HAVE ACCESS TO CERTAIN INFORMATION IF CONSUMERS ALLOWED IT.

10:02AM 8 SO IT'S DIFFERENT FROM, FOR INSTANCE, THE EQUIFAX CASE  
10:02AM 9 WHERE WE HAD NAMES AND ADDRESSES AND SOCIAL SECURITY NUMBERS,  
10:02AM 10 OR OPM WHICH THE COURT IS WELL FAMILIAR SINCE YOU'RE A MEMBER  
10:02AM 11 OF THAT PUTATIVE CLASS WHERE YOUR APPLICATION AT THE TIME OF  
10:02AM 12 BECOMING A FEDERAL JUDGE AND ALL OF THE INFORMATION EXPOSED OR  
10:03AM 13 LAID OUT WAS TAKEN BY, IF YOU BELIEVE ATTORNEY GENERAL BARR,  
10:03AM 14 CHINESE HACKERS, BUT IN ANY EVENT THAT CASE IS PENDING BEFORE  
10:03AM 15 JUDGE JACKSON IN D.C., AND I HAPPEN TO HAVE THE PLEASURE OF  
10:03AM 16 BEING ON THE LEADERSHIP COMMITTEE LEADING THAT EFFORT.

10:03AM 17 SO WHEN WE HAD THIS CASE, WE'RE DEALING WITH PEOPLE WHOSE  
10:03AM 18 INFORMATION WAS EXPOSED, NOT NECESSARILY WHAT WE'LL CALL IS  
10:03AM 19 EXFILTRATED, MEANING TAKEN, AND THEN MISUSED. WE CERTAINLY  
10:03AM 20 DON'T HAVE EVIDENCE OF MISUSE. WE HAVE EVIDENCE OF PEOPLE  
10:03AM 21 TAKING ACTION TO PROTECT THEMSELVES. FOR INSTANCE, ONE OF OUR  
10:03AM 22 CLIENTS -- ALL OF OUR CLIENTS ARE NOW HAVING TO MONITOR THEIR  
10:03AM 23 ACCOUNTS, BUT ONE IN PARTICULAR WENT OUT AND PURCHASED A  
10:03AM 24 FIREWALL AS WELL AS ADDITIONAL SECURITY TO PROTECT THE  
10:03AM 25 INFORMATION IN HIS GMAIL ACCOUNT AND HIS COMPUTER.

10:04AM 1 SO DEALING WITH THAT KIND OF UNIQUE CIRCUMSTANCE IN THE  
10:04AM 2 CASE THAT, FOR ME, WITH A FULL RANGE OF OTHER TYPES OF  
10:04AM 3 LITIGATION WAS UNIQUE. WE ENTERED INTO MEDIATION ON AUGUST  
10:04AM 4 14TH USING RANDY WULFF, WHO HAS HAD EXPERIENCE MEDIATING  
10:04AM 5 PRIVACY CASES, AND OVER THE COURSE OF THE DAY REACHED A  
10:04AM 6 SETTLEMENT.

10:04AM 7 BUT ONE OF THE THINGS I MENTIONED, APPROXIMATELY 53  
10:04AM 8 MILLION ACCOUNTS, I'M NOT REFERRING TO INDIVIDUALS, I'M  
10:04AM 9 REFERRING TO ACCOUNTS. SO IT IS POSSIBLE THAT SOMEBODY HAS  
10:04AM 10 MORE THAN ONE ACCOUNT, AND THAT'S TRUE BOTH IN THE GOOGLE PLUS  
10:04AM 11 AS WELL AS FACEBOOK.

10:04AM 12 ONE OF THE THINGS THAT WE DID NOT SEEK IN THIS CASE WAS  
10:04AM 13 INJUNCTIVE RELIEF BECAUSE SHORTLY AFTER THE SECOND  
10:04AM 14 DETERMINATION THAT THERE WAS EXPOSURE OF THIS INFORMATION THAT  
10:04AM 15 GOOGLE DECIDED TO SHUT DOWN GOOGLE PLUS, SO THAT PLATFORM, THAT  
10:04AM 16 SOCIAL MEDIA PLATFORM NO LONGER EXISTS, SO INJUNCTIVE RELIEF  
10:05AM 17 WAS NOT THE FOCUS.

10:05AM 18 IN CONNECTION WITH TRYING TO ASCERTAIN AND PUT OUR HANDS  
10:05AM 19 ON EXACTLY WHAT HAPPENED, WE RETAINED SEVERAL EXPERTS. ONE  
10:05AM 20 MARY FRANCE HAS BEEN AN EXPERT IN ANY NUMBER OF LARGE CASES,  
10:05AM 21 INCLUDING YAHOO, AND OF COURSE MOST RECENTLY EQUIFAX. SHE WAS  
10:05AM 22 THE EXPERT IN THE MGM BREACH AND ALSO IN THE CAPITAL 1 BREACH  
10:05AM 23 WHICH AFFECTED APPROXIMATELY 94 MILLION.

10:05AM 24 WE ALSO RETAINED AN EXPERT WHO HAS BEEN A DAMAGE MODEL FOR  
10:05AM 25 US IN A NUMBER OF CASES, YAHOO, MOST RECENTLY EQUIFAX,

10:05AM 1 CAPITAL 1, THE VERY SAME CASES THAT MARY FRANCE WHO CAME UP  
10:05AM 2 WITH A DAMAGE MODEL OF -- USING INFORMATION ON THE DARK WEB,  
10:05AM 3 WHAT THIS INFORMATION WAS WORTH IN TERMS OF ACCESS TO SOCIAL  
10:05AM 4 MEDIA, AND AS THE COURT SAW, WE PLACED A RANGE OF APPROXIMATELY  
10:06AM 5 \$0.20 TO \$29.

10:06AM 6 WHY THE DIFFERENCE IS BECAUSE WHAT MIGHT BE AVAILABLE IN A  
10:06AM 7 SOCIAL MEDIA WILL DICTATE WHAT A PERSON, A MALICIOUS HACKER  
10:06AM 8 MIGHT PAY ON THE DARK WEB.

10:06AM 9 NOW, AGAIN, WE DON'T HAVE A CASE IN WHICH INFORMATION WAS  
10:06AM 10 EXPOSED TO MALICIOUS HACKERS BUT PEOPLE WHO OTHERWISE HAD  
10:06AM 11 ACCESS, BUT STILL AS A PRIVACY ADVOCATE, WE HAD A BELIEF THAT  
10:06AM 12 PEOPLE SHOULD BE COMPENSATED, AND THAT'S WHY WE REACHED A  
10:06AM 13 SETTLEMENT IN THE AMOUNT OF 7.5 MILLION, A NONREVERSIONARY  
10:06AM 14 SETTLEMENT WHICH WOULD PROVIDE PEOPLE THE ABILITY IN A SIMPLE  
10:06AM 15 CLAIM PROCESS TO GAIN A SUM OF MONEY WHICH WE FELT WAS IN  
10:06AM 16 EXCESS OF THE AVERAGE.

10:06AM 17 AND IF THE COURT SAW IN MY DECLARATION, IAN RATNER, A  
10:06AM 18 VALUED CREDENTIALS TO GET INTO SOCIAL MEDIA FROM \$0.20 TO \$29  
10:06AM 19 WITH AN AVERAGE, NOT A MEAN, BUT AN AVERAGE OF \$2.50. SO  
10:07AM 20 THROUGH THIS CLAIM PROCESS PEOPLE HAVE THE ABILITY OF GETTING  
10:07AM 21 \$5, AND DEPENDING UPON HOW MUCH MONEY IS AVAILABLE BASED UPON  
10:07AM 22 THE CLAIM RATE, WHICH WE ANTICIPATE BASED UPON OTHER  
10:07AM 23 SETTLEMENTS, NOT OF THIS TYPE BUT OF THE DATA BREACH TYPE, WE  
10:07AM 24 ESTIMATE THERE WILL BE A CLAIM FROM BETWEEN 3 TO 5 PERCENT.  
10:07AM 25 AND IN ANY EVENT, THERE IS EXCESS MONEY. PEOPLE HAVE THE

10:07AM 1 ABILITY OF GETTING A SECOND TRANCHE UP TO THE AMOUNT OF \$12.

10:07AM 2 THE SETTLEMENT ALSO IS AN ALL IN AND OTHERWISE IT PAYS FOR

10:07AM 3 NOTICE AND CLAIMS ADMINISTRATORS.

10:07AM 4 WE TOOK AND OBTAINED BIDS OF SIX VERY DETAILED -- I HAPPEN

10:07AM 5 TO HAVE EXPERIENCE WITH ALL OF THEM BECAUSE MY PRACTICE FOR THE

10:07AM 6 LAST TWO AND A HALF DECADES JUST FOCUSSSED ON CLASS LITIGATION,

10:07AM 7 AND WE SELECTED ANGEION. IN MY DECLARATION I GAVE THE COURT MY

10:07AM 8 PREVIOUS EXPERIENCE IN THE LAST TWO YEARS WITH ANGEION, AND

10:08AM 9 ANGEION CAME IN THE CHEAPEST, BUT BY NO MEANS ARE THEY CHEAP IN

10:08AM 10 THE SENSE OF THE QUALITY OF DELIVERY THAT THEY ARE ABLE TO

10:08AM 11 PROVIDE.

10:08AM 12 AND PRESENTLY I'VE GOT OTHER BIDS OUT TO THEM FOR

10:08AM 13 CONSIDERATION OF OTHER CASES OF THE DATA BREACH TYPE WHERE

10:08AM 14 INFORMATION WAS, IN FACT, TAKEN BY A MALICIOUS HACKER.

10:08AM 15 SO WE WERE COST EFFICIENT IN MAKING CERTAIN THAT THE MONEY

10:08AM 16 AVAILABLE TO PAY CLAIMS OF THE CLASS WERE SPENT WISELY, AND

10:08AM 17 THAT'S WHY WE SELECTED ANGEION FOR BOTH PURPOSES OF COST

10:08AM 18 EFFECTIVENESS AS WELL AS THE QUALITY OF THE DELIVERY OF THE

10:08AM 19 NOTICE AND THE CLAIMS PROCESS.

10:08AM 20 I MENTIONED THE CLAIM PROCESS. IT'S A VERY EASY ONE. YOU

10:08AM 21 MERELY HAVE TO, YOU KNOW, FILL OUT THE CLAIM FORM AND INDICATE

10:08AM 22 THAT YOU HAD SENSITIVE INFORMATION IN THE GOOGLE PLUS ACCOUNT,

10:08AM 23 AND YOU'LL GET BETWEEN \$5 AND DEPENDING UPON THE AVAILABILITY

10:08AM 24 OF MONEY, AS I MENTIONED, UP TO \$12.

10:09AM 25 IF THERE ARE SUMS LEFT OVER AFTER THE PAYMENT OF CLAIMS OF

10:09AM 1 CLASS MEMBERS, THEN WE WOULD ASK AN INDEPENDENT NEUTRAL, NOT  
10:09AM 2 THAT THE PARTIES HAVE ANY SAY IN THIS, AND INDICATE WHO SHOULD  
10:09AM 3 SAY WHO SHOULD THE CY PRES RECIPIENT IS SUBJECT TO THE COURT'S  
10:09AM 4 APPROVAL.

10:09AM 5 ONE OF THE THINGS THAT OBVIOUSLY IS OF CONCERN AND IT IS  
10:09AM 6 CERTAINLY ONE OF THE FACTORS IN THE NORTHERN DISTRICT OF  
10:09AM 7 CALIFORNIA IS MY ASSESSMENT OF THE RISK OF TAKING THIS CASE TO  
10:09AM 8 TRIAL. I BELIEVE WE COULD GET PAST STANDING, BUT THE ISSUE OF  
10:09AM 9 CERTIFICATION IS A SIGNIFICANT ONE.

10:09AM 10 AND JUST RECENTLY BEFORE JUDGE ALSUP I HAD THE PLEASURE OF  
10:09AM 11 ARGUING A MOTION FOR CLASS CERTIFICATION. WE WERE ABLE TO  
10:09AM 12 SUCCEED IN CERTIFYING A (B) (2) CLASS FOR INJUNCTIVE RELIEF, BUT  
10:10AM 13 WE FAILED IN CONNECTION WITH OUR ABILITY TO CONVINCE  
10:10AM 14 JUDGE ALSUP TO CERTIFY A DAMAGE CLASS, AND THERE IS PENDING  
10:10AM 15 BEFORE JUDGE ALSUP A MOTION FOR A PRELIMINARY APPROVAL OF OUR  
10:10AM 16 INJUNCTIVE RELIEF CLASS FOR U.S. CITIZENS.

10:10AM 17 THERE HAS BEEN ONLY ONE CONSUMER CLASS CASE CERTIFIED FOR  
10:10AM 18 DAMAGES. IT WAS A HOSPITAL BREACH IN ALABAMA. JIM BOTERO, WHO  
10:10AM 19 WAS THE LEAD LAWYER IN THAT CASE, WAS ABLE TO CERTIFY A (B) (3)  
10:10AM 20 CLASS FOR CONSUMERS.

10:10AM 21 THE OTHER ONE THAT HAS BEEN CERTIFIED BUT FOR FINANCIAL  
10:10AM 22 INSTITUTIONS IS JUDGE MADISON'S DECISION IN TARGET, BUT OF  
10:10AM 23 COURSE THAT'S NOT CONSUMERS, THOSE WERE FINANCIAL INSTITUTIONS  
10:10AM 24 THAT HAD TO INCUR COSTS TO REPLACE PAYMENT CARDS THAT WERE  
10:10AM 25 TAKEN IN THAT BREACH.

10:10AM 1 SO WE HAVE VERY FEW PRECEDENT IN CONNECTION WITH  
10:10AM 2 CERTIFICATION. I WOULDN'T HAVE UNDERTAKEN THE CASE IF I WERE  
10:10AM 3 NOT CONVINCED THAT I WOULD MAKE YEOMAN'S EFFORT TO GET  
10:11AM 4 CERTIFIED, BUT AGAIN, YOU NEVER KNOW WHAT THE COURT MIGHT HAVE  
10:11AM 5 DONE WITH A CONTESTED CERT MOTION. AND THEN WE HAVE THE  
10:11AM 6 APPELLATE COURT, BOTH THE NINTH AND THE SUPREME COURT, WHICH  
10:11AM 7 ALWAYS IN THEIR EMANANT WISDOM MAKE DECISIONS THAT ARE  
10:11AM 8 SOMETIMES CONTRARY TO WHAT TRIAL COURTS DECIDE.  
10:11AM 9 SO IN MY EXPERIENCE IN ASSESSING THE UPWARDS AMOUNT THAT  
10:11AM 10 WE COULD GET, AND AGAIN, WE'RE NOT TALKING ABOUT PEOPLE IN  
10:11AM 11 TERMS OF THE 53 MILLION, AND THAT IS A WORLDWIDE NUMBER, WE  
10:11AM 12 BELIEVE THAT U.S. ACCOUNTS WERE APPROXIMATELY 7.5 TO 10  
10:11AM 13 MILLION.  
10:11AM 14 MS. REES CAN TALK IN GREATER DETAIL ABOUT HOW INDIVIDUALS  
10:11AM 15 ARE IDENTIFIED WITHIN THAT GROUP, BUT WE WOULD HAVE, YOU KNOW,  
10:11AM 16 AGAIN, AT FACE VALUE, 7.5 MILLION.  
10:11AM 17 IF THERE WERE 10 MILLION PEOPLE, THAT WOULD BE \$0.75.  
10:12AM 18 JUDGE KOH IN THE ANTHEM CASE, THAT WAS 115 MILLION, AND I  
10:12AM 19 THINK IT BREAKS DOWN TO A LITTLE BIT OVER A DOLLAR. IN THE  
10:12AM 20 YAHOO CASE 117 AND A HALF MILLION. WE HAD 194 MILLION  
10:12AM 21 INDIVIDUALS. I VALUE THAT AS A DOLLAR WITH A DISCOUNT RATE OF  
10:12AM 22 40 PERCENT BASED UPON LITIGATION RISK, WHICH IS HOW WE DERIVE  
10:12AM 23 117 MILLION.  
10:12AM 24 IS THIS EXACT SCIENCE?  
10:12AM 25 NO, YOUR HONOR, IT IS NOT. WE TRIED TO APPROACH THIS WITH

10:12AM 1 THE METHODOLOGY OF USING AN EXPERT WHO HAS IDENTIFIED THE VALUE  
10:12AM 2 OF THIS INFORMATION ON THE DARK WEB, AND BASED UPON MY  
10:12AM 3 EXPERIENCE -- WELL, TODAY, OR MAYBE IN A FEW DAYS, I'LL HAVE  
10:12AM 4 PRACTICED FOR 40 YEARS. AGAIN, SINCE 1999 IN THE AREA OF  
10:12AM 5 PRIVACY DATA BREACH OR PRIVACY LITIGATION I THOUGHT THIS TO BE  
10:12AM 6 A FAIR AND REASONABLE COMPROMISE OF THE LITIGATION IN WHICH IT  
10:12AM 7 CONTINUES TO REMAIN RISKY.

10:13AM 8 DOES THE COURT HAVE ANY PARTICULAR QUESTIONS?

10:13AM 9 THE COURT: I DO. I DO. LET ME FOCUS ON YOUR  
10:13AM 10 CY PRES REQUEST HERE. I'M CURIOUS ABOUT THE NEED TO GO TO MY  
10:13AM 11 FORMER COLLEAGUE, YOU SUGGEST ELIZABETH LAPORTE, FOR  
10:13AM 12 DETERMINATION OF A CY PRES RECIPIENT.

10:13AM 13 SHE'S AT JAMS NOW, AND I DON'T MEAN TO DISCOURAGE ANY WORK  
10:13AM 14 TO HER, BUT IS THAT REALLY NECESSARY? I UNDERSTAND THAT THERE  
10:13AM 15 HAVE BEEN CASES AND LITIGATION AND MENTION IN CASES ABOUT  
10:13AM 16 CY PRES RECIPIENTS, AND I APPRECIATE YOUR PROPHYLACTIC LOOK AT  
10:13AM 17 THIS TO PERHAPS AVOID ANY OF THAT.

10:13AM 18 BUT I'M JUST CURIOUS WHETHER THAT IS EVEN NECESSARY? I'M  
10:13AM 19 WONDERING IF COUNSEL COULD MEET AND CONFER AND IDENTIFY TWO,  
10:13AM 20 THREE, WHATEVER YOU WOULD LIKE, THAT YOU THINK FIT AN  
10:13AM 21 APPROPRIATE RECIPIENT SHOULD THAT BE NECESSARY.

10:14AM 22 MR. YACHUNIS: YOUR HONOR, I WON'T SPEAK FOR  
10:14AM 23 GOOGLE'S COUNSEL OF COURSE. I HAPPEN TO HAVE A LOT OF WORK IN  
10:14AM 24 THE CY PRES AREA.

10:14AM 25 JUDGE PROCTOR IN THE NORTHERN DISTRICT OF ALABAMA JUST

10:14AM 1 CHALLENGED ME TO DISCUSS THE ISSUE IN A CASE PENDING BEFORE HIM  
10:14AM 2 FOR FINAL APPROVAL. AND I USED MY EXPERIENCE AS A DRAFTER OF A  
10:14AM 3 PROJECT THAT OUR CHIEF JUSTICE IN THE STATE OF FLORIDA ASKED ME  
10:14AM 4 TO UNDERTAKE ABOUT FOUR YEARS AGO WHERE IN THE STATE OF FLORIDA  
10:14AM 5 THE QUESTION REMAINED, YOU KNOW, WHAT GUIDANCE WAS THERE FOR A  
10:14AM 6 JUDGE ON THE ISSUE OF CY PRES, AND I PREPARED A WHITE PAPER ON  
10:14AM 7 THAT. I BELIEVE THERE ARE CERTAIN -- THERE WERE RECIPIENTS WHO  
10:14AM 8 SHOULD BE CONSIDERED. THEY HAVE NOTHING TO DO WITH ME OR ANY  
10:14AM 9 BOARD THAT I'VE EVER BEEN A MEMBER OF.

10:14AM 10 I THINK WE CAN DECIDE THAT.

10:14AM 11 I WAS JUST TRYING TO BE -- I THINK BOTH OF US, BOTH SIDES,  
10:14AM 12 VERY PROPHYLACTIC IN THE WAY WE ENSURED THAT THERE WAS NO  
10:15AM 13 COLLUSION, POSSIBLE INTERFERENCE OR SUGGESTION THAT WE HAD  
10:15AM 14 ANYTHING INVOLVING ANY RECIPIENT OF ANY PARTY THAT THE COURT  
10:15AM 15 WOULD AVOID.

10:15AM 16 SO OVER -- IT WAS PROBABLY OVERLY CAUTIOUS, BUT OF COURSE  
10:15AM 17 I THINK WE CAN COME UP WITH ANY NUMBER OF CANDIDATES TO PROVIDE  
10:15AM 18 FOR THE COURT AND FULLY DISCLOSE OUR LACK OF INVOLVEMENT IN ANY  
10:15AM 19 OF THOSE ENTITIES, AND I CERTAINLY WOULD REPRESENT THAT TO THE  
10:15AM 20 COURT. I WOULD HAVE NO INVOLVEMENT, AND THE COURT COULD MAKE  
10:15AM 21 THOSE SELECTIONS.

10:15AM 22 AND I'VE DONE THE SAME THING IN OTHER SETTLEMENTS IN THIS  
10:15AM 23 AREA.

10:15AM 24 THE COURT: ALL RIGHT. THANK YOU. I'LL HEAR FROM  
10:15AM 25 MS. REES IN JUST A MOMENT ON THESE AND OTHER POINTS.

10:15AM 1 I ALSO WANT TO ASK A QUESTION ABOUT, YOU PROPOSE SOME  
10:15AM 2 DEADLINES, SCHEDULING DEADLINES, AND I'M CURIOUS, SOME OF THOSE  
10:15AM 3 TIMELINES SEEM TO BE BASED A LITTLE -- THEY MIGHT BE A LITTLE  
10:15AM 4 LONG, LONGER THAN WHAT WE'VE SEEN OR USED TO, BUT IT SEEMS TO  
10:15AM 5 ME THAT YOU HAVE DONE THIS, YOU AND YOUR TEAM AND MS. REES,  
10:16AM 6 HAVE DONE THIS IN REGARDS TO THE CURRENT COVID CRISIS THAT  
10:16AM 7 PERHAPS MIGHT ALLOW FOR SOME GREATER TIME TO CAPTURE RESPONSES  
10:16AM 8 AND OPT OUTS AND THINGS.

10:16AM 9 MR. YACHUNIS: AND, YOUR HONOR, OBVIOUSLY WE WANT TO  
10:16AM 10 ENSURE THE SAME ISSUES THAT YOU'RE FOCUSSSED IN ON IS FAIRNESS  
10:16AM 11 AND ADEQUATE RESPONSE TIME.

10:16AM 12 I'M CERTAINLY AMENABLE TO A CHANGE OR MODIFY. THEY ARE  
10:16AM 13 LONGER.

10:16AM 14 ONE OF THE THINGS I WANT TO MAKE CERTAIN THAT THE COURT  
10:16AM 15 UNDERSTANDS IS THAT WE'RE GOING TO BE ABLE TO DELIVER AN E-MAIL  
10:16AM 16 NOTICE, WHICH IS NOW ACCEPTABLE UNDER THE NEW RULE AMENDMENT  
10:16AM 17 23.

10:16AM 18 ONE OF THE WAYS IN WHICH AN ACCOUNT HOLDER SIGNED UP FOR A  
10:16AM 19 GOOGLE PLUS WAS THROUGH AN E-MAIL, AND SO WE'LL BE ABLE TO  
10:16AM 20 CONTACT THEM, AND WE DO HAVE A SECOND WAVE OF NOTICE EMBEDDED  
10:16AM 21 WITHIN THE NOTICE PLANS SO IN THE EVENT SOMEBODY MISSES THE  
10:16AM 22 FIRST ONE, THEY'LL GET A SECOND ONE IN ADVANCE OF THE CLAIM  
10:17AM 23 DEADLINE.

10:17AM 24 THE COURT: WELL, THIS IS ONE OF THOSE CASES WHERE  
10:17AM 25 IDENTIFYING THE PARTIES SHOULD BE RELATIVELY EASY BECAUSE, AS

10:17AM 1 YOU SAY, THE PARTY HAD TO MAKE SOME AFFIRMATIVE ACTION TO  
10:17AM 2 ACTUALLY JOIN OR SIGN UP OR ENGAGE AND IN THAT PROCESS PROVIDED  
10:17AM 3 INFORMATION SUCH THAT GOOGLE HAS THAT.

10:17AM 4 SO I THINK THE -- IDENTIFYING WHO THE PARTIES ARE,  
10:17AM 5 PLAINTIFFS ARE, SHOULD BE -- NOTIFYING THEM, SHOULD BE  
10:17AM 6 STRAIGHTFORWARD. OF COURSE THERE WILL BE CHANGES IN E-MAILS  
10:17AM 7 AND PEOPLE MOVE AND THAT TYPE OF THING. YOU HAVE INDICATED  
10:17AM 8 PUBLICATION, YOU HAVE SOME PUBLICATION THAT YOU'LL USE, A  
10:17AM 9 PR FIRM OR SOMETHING OR WEBSITE AND THEY WILL BE CREATED BY THE  
10:17AM 10 ADMINISTRATOR AS WELL.

10:17AM 11 SO IT SEEMS TO ME THAT THE NOTICE IS SUFFICIENT HERE. I  
10:17AM 12 DON'T HAVE ANY CONCERN ABOUT THAT.

10:17AM 13 AS WE LOOK AT GOING FORWARD IN OUR CURRENT HEALTH CRISIS,  
10:17AM 14 I THINK MY COLLEAGUES AND I ARE LOOKING AT THE NOTICE  
10:18AM 15 PROCEDURES AND ANYTHING THAT HAS TO DO WITH NOTIFYING, ALLOWING  
10:18AM 16 PARTIES TIME TO ACCOMPLISH THINGS AND BALANCING THE COVID  
10:18AM 17 CRISIS WITH THE TIMELINES THAT WE TYPICALLY HAVE HAD WHEN WE'VE  
10:18AM 18 HAD ACCESS TO COURTHOUSES AND OTHER FACILITIES WAS MUCH EASIER.  
10:18AM 19 SO I'M COGNIZANT OF THAT.

10:18AM 20 I'M NOT ADVERSE TO LENGTHIER TIMES, PARTICULARLY IN OUR  
10:18AM 21 CURRENT SITUATION. I JUST DID WANT TO COMMENT ON THAT.

10:18AM 22 MR. YACHUNIS: YOUR HONOR, LET ME -- I HOPE THIS IS  
10:18AM 23 AN INVITATION TO DISCUSS THE ISSUE. IF WE WERE DEALING WITH  
10:18AM 24 U.S. MAIL, PERHAPS THE COVID-19 CRISIS MIGHT IMPACT MAIL  
10:18AM 25 DELIVERY.

10:18AM 1 CERTAINLY THERE ARE SOME MEMBERS OF OUR COMMUNITIES WHO  
10:18AM 2 ARE RETICENT TO TRY TO CUT PAPER DELIVERED TO THEIR HOMES. I  
10:18AM 3 HAPPEN TO HAVE HAD AN EXPERIENCE RECENTLY WHERE SOMEBODY  
10:18AM 4 REACHED OUT ON MY NEIGHBORHOOD CHAT AND SAID DOES ANYONE HAVE  
10:18AM 5 ANY HYDROGEN PEROXIDE? AND I SAID, YES, I HAVE AN EXTRA  
10:18AM 6 BOTTLE. AND THE WOMAN SAID COULD YOU LEAVE IT ON MY PORCH?  
10:19AM 7 AND I WAS THINKING, WELL, WHY DON'T YOU JUST KNOCK ON MY DOOR.  
10:19AM 8 AND THEN I REALIZED THERE'S A SENSITIVITY TO PEOPLE TOUCHING  
10:19AM 9 THINGS THAT OTHERS HAVE TOUCHED.  
10:19AM 10 HERE WE'RE DEALING WITH AN E-MAIL NOTICE THAT COMES TO  
10:19AM 11 YOUR COMPUTER AND SO CERTAINLY THAT ISSUE ISN'T INVOLVED.  
10:19AM 12 AND I JUST HAD A CONVERSATION IN CONNECTION WITH ANOTHER  
10:19AM 13 CASE WHERE PEOPLE SAID, WELL, CLAIMS RATES ARE GOING TO GO UP  
10:19AM 14 BECAUSE PEOPLE ARE AT HOME. THEY'RE GOING TO BE MONITORING  
10:19AM 15 THEIR COMPUTER BECAUSE THEY HAVE MORE TIME ON THEIR HANDS. I  
10:19AM 16 DON'T KNOW IF THAT ANECDOTAL COMMENT IS OF ANY VALUE, BUT  
10:19AM 17 CERTAINLY WE'RE TRYING TO MAKE CERTAIN THAT IN THIS PRESENT  
10:19AM 18 UNUSUAL ENVIRONMENT THAT EVEN BRINGS US TO TALK TO YOU TODAY  
10:19AM 19 VIA ZOOM, YOU KNOW, ACCOMMODATES FOR THAT.  
10:19AM 20 THE COURT: ALL RIGHT. THANK YOU.  
10:19AM 21 THE OTHER FACTORS I WANTED TO ASK YOU ABOUT, AND I REALIZE  
10:19AM 22 THIS IS PRELIMINARY APPROVAL, BUT I WONDERED IF YOU WERE GOING  
10:19AM 23 TO SPEAK NOW OR AT THE TIME OF FINAL APPROVAL ABOUT THE  
10:19AM 24 NORTHERN DISTRICT OF CALIFORNIA GUIDANCE FACTORS THAT WE HAVE  
10:20AM 25 IMPLEMENTED RECENTLY.

10:20AM 1 AND I THINK YOU TOUCH ON THEM BRIEFLY, NOT SPECIFICALLY,

10:20AM 2 BUT YOUR PAPERS AT LEAST CAPTURE SOME OF THOSE ELEMENTS, AND IF

10:20AM 3 YOU CAN.

10:20AM 4 MR. YACHUNIS: YES, I CAN TOUCH ON THOSE. SO, YOUR

10:20AM 5 HONOR, ONE OF THE MOST IMPORTANT THINGS, AND I'VE HAD OTHER

10:20AM 6 CASES IN THE NORTHERN DISTRICT, IS, WELL, WHAT WOULD YOU GET IF

10:20AM 7 THE CLASS WERE TO SUCCEED? AND THAT'S THE VERY REASON WHY

10:20AM 8 WE'RE BEFORE YOU SEEKING TO COMPROMISE IS BECAUSE THAT'S THE

10:20AM 9 UNKNOWN.

10:20AM 10 ONE OF THE THINGS THE DEFENDANTS ARGUE IN THESE CASES IS

10:20AM 11 THE INDIVIDUALIZED NATURE OF THE REPERCUSSIONS FROM A DATA

10:20AM 12 BREACH, AND HERE WE'RE TALKING ABOUT A DATA EXPOSURE.

10:20AM 13 SO THE DEFENDANT MAY NOT HAVE GIVEN ME A PUSH ON STANDING

10:20AM 14 SAYING THAT YOU HAVE NO PROOF THAT THIS INFORMATION WAS TAKEN

10:20AM 15 BY ANYONE. IT WAS MERELY EXPOSED TO THESE THIRD PARTY

10:21AM 16 CONTRACTORS WHO WE HAD ALREADY APPROVED. THAT'S CERTAINLY

10:21AM 17 IMPORTANT.

10:21AM 18 BUT IN TERMS OF HOW ANYONE WAS INDIVIDUALLY DAMAGED, I

10:21AM 19 FOCUSED IN THROUGH MR. RATNER A WAY IN WHICH I COULD MONETIZE

10:21AM 20 THE AMOUNT OF THE VALUE OF THIS INFORMATION ON THE DARK WEB,

10:21AM 21 AND AS I INDICATED EARLIER, HE HAD BETWEEN \$0.20 AND \$29.

10:21AM 22 THE COURT: LET ME INTERRUPT YOU FOR A MOMENT AND

10:21AM 23 JUST OPINE THAT IT IS INTERESTING THAT WE'RE USING THAT AS A

10:21AM 24 DAMAGE MODEL, THAT IS, WHAT IS THE STREET VALUE OF THIS DOWN A

10:21AM 25 BACK ALLEY. IT'S LIKE WHAT IS THE VALUE OF MY CAR RADIO ONCE

10:21AM 1 IT'S STOLEN AND SOMEBODY WANTS TO SELL IT IN A DARK ALLEY AND  
10:21AM 2 WE'LL USE THAT IN LITIGATION TO SET THE VALUE?

10:21AM 3 THERE'S SOMETHING THAT IS -- I UNDERSTAND YOU'RE DOING THE  
10:21AM 4 BEST THAT YOU CAN, BUT THERE IS SOMETHING -- AND I DON'T MEAN  
10:21AM 5 TO BE FLIP OR LIGHT ABOUT THIS, BUT WE'RE LOOKING AT NEFARIOUS  
10:22AM 6 CONDUCT IN USING THAT AS A BENCHMARK FOR LEGITIMATE  
10:22AM 7 TRANSACTIONS, AND I SUPPOSE IT'S JUST IRONIC MAYBE, MAYBE OTHER  
10:22AM 8 PEOPLE WOULD USE DIFFERENT LANGUAGE TO DESCRIBE THAT, BUT IT IS  
10:22AM 9 WHAT IT IS, ISN'T IT?

10:22AM 10 MR. YACHUNIS: IT'S NOT IRONY. IT IS -- WHEN YOU  
10:22AM 11 THINK OF PRIVACY, THE CONCEPT OF PRIVACY AT LEAST IN THE UNITED  
10:22AM 12 STATES ARISES IN JURISPRUDENCE IN THE 19TH CENTURY.  
10:22AM 13 AND IN ESSENCE THAT LAW REALLY REMAINS THE SAME UNTIL THE  
10:22AM 14 21ST CENTURY, AND TODAY WE HAVE TECHNOLOGY OF A TYPE THAT  
10:22AM 15 DOESN'T FIT THE CONCEPTS OF PRIVACY.

10:22AM 16 CALIFORNIA CERTAINLY HAS BEEN ON THE CUTTING EDGE, I  
10:22AM 17 BELIEVE, OF BOTH STATE AND FEDERAL REGULATORS IN TERMS OF  
10:22AM 18 CREATING A WAY IN WHICH PEOPLE CAN THINK MORE ABOUT PRIVACY.

10:22AM 19 THE COURT: CALIFORNIA JUST ENACTED NEW LEGISLATION  
10:22AM 20 THAT YOU'RE PROBABLY AWARE OF THAT COMPANIES -- MS. REES IS  
10:23AM 21 PROBABLY ADVISING COMPANIES IN REGARDS TO CALIFORNIA'S NEW  
10:23AM 22 REGULATIONS AND STATE REGULATIONS THAT ARE JUST AMAZINGLY  
10:23AM 23 THOROUGH AND REQUIRES A LOT OF EFFORT, I'M SURE, ON MS. REES'S  
10:23AM 24 CLIENTS TO REMANUFACTURE AND RESTRUCTURE HOW THEY HANDLE ISSUES  
10:23AM 25 RECOGNIZING THIS.

10:23AM 1 SO I APPRECIATE YOUR SHOUT OUT TO THE GREAT STATE OF  
10:23AM 2 CALIFORNIA.

10:23AM 3 WE DO REMAIN HERE, I THINK THE STATE REMAINS ON THE  
10:23AM 4 FOREFRONT OF THIS LITIGATION.

10:23AM 5 BUT I WAS JUST MAKING A COMMENT ABOUT WHERE DO YOU GO TO  
10:23AM 6 PRICE THIS? IT'S NOT LIKE WHAT IS THE PRICE OF CUCUMBERS AND  
10:23AM 7 TOMATOES AT MARKETS. IT'S REALLY LET'S GO DOWN THE DARK ALLEY  
10:23AM 8 AND SEE WHAT THEY'LL GIVE FOR THAT. I'M NOT DISPARAGING IT AT  
10:23AM 9 ALL, I'M JUST SUGGESTING AND IT'S THE MARKETPLACE THAT WE LIVE  
10:23AM 10 IN IN SOME OF THESE CASES, SO I CAPTURE THAT.

10:23AM 11 BUT MY QUESTION WAS FOCUSED ON THE GUIDANCE FACTORS THAT  
10:24AM 12 THE NORTHERN DISTRICT HAS, AND WE HAVE 11 OF THEM. I DON'T  
10:24AM 13 THINK THE PLEADINGS SPECIFICALLY ADDRESSED EACH OF THE 11  
10:24AM 14 FACTORS, BUT I CAN LOOK AT WHAT YOU'VE SAID IN YOUR PLEADINGS,  
10:24AM 15 IN YOUR COMMENTS THIS MORNING REGARDING THE PROPOSED SETTLEMENT  
10:24AM 16 AND THE FACTORS, WE CAN ADDRESS THOSE AT THE FINAL SETTLEMENT,  
10:24AM 17 AND I THINK THAT'S PROBABLY MORE APPROPRIATE, YOU'LL TALK AND  
10:24AM 18 GIVE AN EXAMPLE ABOUT OPT OUTS AND THOSE TYPES OF THINGS.

10:24AM 19 YOU'VE ALREADY TOLD ME ABOUT THE ADMINISTRATOR, YOU'VE  
10:24AM 20 TALKED ABOUT THE NOTICE, YOU'VE TALKED ABOUT ATTORNEYS' FEES,  
10:24AM 21 YOU'VE TALKED ABOUT SERVICE. I THINK YOU'VE INDICATED, AT  
10:24AM 22 LEAST PERIPHERALLY, THAT THERE IS NO -- THE AWARDS DON'T  
10:24AM 23 UNJUSTLY FAVOR ANY PLAINTIFFS OVER OTHERS, AND THE SETTLEMENT  
10:24AM 24 PROVIDES A FAVORABLE RECOVERY, I THINK YOU'VE TALKED ABOUT  
10:24AM 25 THAT.

10:24AM 1 THERE IS A DIFFERENCE IN THE -- I THINK YOUR PLEADINGS  
10:24AM 2 INITIALLY AS TO THE CLASS AS TO WHAT THIS SETTLEMENT INVOLVES,  
10:25AM 3 AND I THINK YOU'VE EXPLAINED THAT TO ME AS WELL. SO I DO THINK  
10:25AM 4 THAT YOU HAVE COVERED SUFFICIENTLY THE NORTHERN DISTRICT  
10:25AM 5 FACTORS. WE HAVE TALKED ABOUT CY PRES AWARDS.  
10:25AM 6 AND UNLESS THERE'S ANYTHING FURTHER, I'LL TURN TO  
10:25AM 7 MS. REES, WHO HAS BEEN INCREDIBLY PATIENT HERE, AND ASK IF SHE  
10:25AM 8 HAS ANY COMMENTS IN REGARDS TO THE PRELIMINARY SETTLEMENT  
10:25AM 9 MOTION.  
10:25AM 10 MS. REES.  
10:25AM 11 MS. REES: THANK YOU, YOUR HONOR.  
10:25AM 12 ARE YOU ABLE TO HEAR ME OKAY?  
10:25AM 13 THE COURT: I AM, YES.  
10:25AM 14 MS. REES: OKAY. I'LL HOLD UP MY MICROPHONE HERE  
10:25AM 15 JUST TO BE SURE. SO FIRST I WOULD JUST LIKE TO THANK THE COURT  
10:25AM 16 STAFF FOR PUTTING THIS ZOOM CONFERENCE TOGETHER SO THAT WE CAN  
10:25AM 17 GO FORWARD WITH THE HEARING. I KNOW IT MUST HAVE BEEN A LOT OF  
10:25AM 18 EXTRA WORK SO WE'RE DEFINITELY VERY APPRECIATIVE OF THAT.  
10:25AM 19 THE COURT: WELL, WE'RE IN CALIFORNIA, MS. REES, AND  
10:25AM 20 WE ALL HAVE -- WE'RE BORN WITH TECHNOLOGY. WE'RE WEANED ON IT.  
10:25AM 21 OF COURSE. THANK YOU FOR SHOUTING OUT MS. KRATZMANN AND MY  
10:25AM 22 STAFF TO HELP THOSE OF US WHO ARE IMMIGRANTS TO TECHNOLOGY TO  
10:26AM 23 LEARN THIS AND CAPTURE.  
10:26AM 24 AND THANK YOU ALL. PARDON ME FOR INTERRUPTING YOU, BUT I  
10:26AM 25 DO WANT TO INDICATE THAT WE ARE PROCEEDING BY WAY OF

10:26AM 1 VIDEOCONFERENCING BECAUSE OF THE COVID CRISIS. I APPRECIATE  
10:26AM 2 ALL OF YOUR WILLINGNESS IN DIFFERENT PARTS OF OUR GREAT COUNTRY  
10:26AM 3 TO PARTICIPATE.

10:26AM 4 SO MS. REES.

10:26AM 5 MS. REES: THANK YOU. SO I THINK THE FIRST POINT  
10:26AM 6 I'D LIKE TO ADDRESS IS THE CY PRES ISSUE THAT YOUR HONOR  
10:26AM 7 RAISED. WE DID, YOU KNOW, PREFER TO HAVE AT THIS SETTLEMENT  
10:26AM 8 THIS PROCEDURE OF HAVING A NEUTRAL THIRD PARTY SELECT CY PRES  
10:26AM 9 RECIPIENTS, AND THAT'S REALLY BECAUSE WE HAVE RECENTLY SEEN  
10:26AM 10 QUITE A FEW OBJECTIONS TO SETTLEMENTS THAT INCLUDE CY PRES, AND  
10:26AM 11 ONE OF THE MAJOR OBJECTIONS IS A CLAIM THAT THE PARTIES ARE  
10:26AM 12 SELECTING CY PRES RECIPIENTS THAT THEY HAVE CONNECTIONS TO, AND  
10:26AM 13 THAT IT JUST ISN'T A NEUTRAL ENOUGH PROCESS.

10:26AM 14 SO YOUR HONOR IS CORRECT THAT THE REASON THAT IT'S IN  
10:26AM 15 THERE IS THAT, YOU KNOW, WE ARE HOPING TO AVOID THOSE TYPES OF  
10:26AM 16 ISSUES WITH THIS SETTLEMENT, SO THAT WAS THE REASON FOR THAT.

10:27AM 17 SO WE ARE HAPPY TO MEET AND CONFER WITH PLAINTIFFS ABOUT  
10:27AM 18 SELECTING RECIPIENTS.

10:27AM 19 BUT THE THIRD PARTY PROCESS WITH THE NEUTRAL WAS SOMETHING  
10:27AM 20 THAT WE REALLY HOPED WOULD, YOU KNOW, JUST HELP JUST TO DEAL  
10:27AM 21 WITH ANY POTENTIAL OBJECTIONS THAT MIGHT COME ALONG IN THAT  
10:27AM 22 REGARD.

10:27AM 23 THE COURT: WELL, I THINK IT'S A GOOD SOLUTION.  
10:27AM 24 IT'S A FORWARD LOOKING SOLUTION, AND IT DIMINISHES, DOES IT,  
10:27AM 25 THEN WHAT WOULD BE PAID OUT OF THE SETTLEMENT PROCEEDS?

10:27AM 1 MS. REES: IT WOULD BE. IT WOULD BE.

10:27AM 2 WE DID TRY TO DRAFT A PROCEDURE THAT WOULD BE FAIRLY

10:27AM 3 STREAMLINED WHERE THE BURDEN WOULD BE ON THE CY PRES RECIPIENTS

10:27AM 4 TO PUT TOGETHER ESSENTIALLY AN APPLICATION WHERE THEY WOULD

10:27AM 5 JUST PROVIDE INFORMATION ABOUT WHAT THEY DO, WHAT CONNECTIONS

10:27AM 6 THEY HAVE TO THE PARTIES, IF ANY. AND THEN JUDGE LAPORTE'S

10:27AM 7 ROLE WOULD REALLY BE TO REVIEWING THAT, WHATEVER APPLICATIONS

10:27AM 8 COME IN, AND THEN MAKING THE DECISION AMONG THOSE WHICH, IF

10:27AM 9 ANY, TO RECOMMEND.

10:27AM 10 SO IT DIDN'T SEEM LIKE IT WOULD BE A HUGE AMOUNT OF WORK

10:28AM 11 FOR THE NEUTRAL.

10:28AM 12 THE COURT: PROBABLY NOT. IT PROBABLY WOULDN'T.

10:28AM 13 OF COURSE THE COURT SITS AS FIDUCIARY FOR THE CLASS, AND

10:28AM 14 I'M JUST CURIOUS WHETHER THAT WOULD IN SOME WAY INHIBIT

10:28AM 15 RECOVERY AND WHAT THE EXTENT OF IT WAS. I DON'T KNOW WHAT THE

10:28AM 16 FEES OF THAT WOULD BE, \$10,000, \$20,000. I HAVE NO IDEA WHAT

10:28AM 17 THAT MARKET IS.

10:28AM 18 THIS IS -- WE'RE PROBABLY TALKING ABOUT, MS. REES, SOME OF

10:28AM 19 YOUR COLLEAGUES WHO SHOULD WISH TO LEAVE, OR MR. AZAR OR

10:28AM 20 MR. YACHUNIS, THIS SOUNDS LIKE SOMEBODY COULD CREATE A CLEARING

10:28AM 21 HOUSE FOR CY PRES RECIPIENTS AND CREATE A WHOLE NEW JOB MARKET

10:28AM 22 FOR THEMSELVES SHOULD THEY WISH TO DO SO.

10:28AM 23 BUT I DON'T HAVE -- I'M NOT -- I DON'T HAVE ANY REAL

10:28AM 24 OBJECTION TO JUDGE LAPORTE LOOKING AT THIS AND HELPING YOU OUT

10:28AM 25 AND FINDING THIS. AND I COMMENT ON IS IT NECESSARY? AND I

10:28AM 1 APPRECIATE THE FACT THAT YOU WISH TO OR BOTH SIDES WISH TO  
10:28AM 2 PROCEED WITH EXTREME CAUTION TO ADVANCE YOUR SETTLEMENT.  
10:29AM 3 AS I LOOK AT THE SETTLEMENT, THIS CASE SETTLED WITH OR THE  
10:29AM 4 SETTLEMENT WAS REACHED ABOUT A YEAR AFTER THE FILING OF THE  
10:29AM 5 FIRST COMPLAINT, MAYBE NOT EVEN.  
10:29AM 6 MY SENSE IS THAT IT LOOKS LIKE THERE WAS NO REAL -- THERE  
10:29AM 7 WERE NO DEPOSITIONS, THERE WAS INFORMAL DISCOVERY, AND THEN THE  
10:29AM 8 CASE SETTLED ONE DAY WITH A GOOD MEDIATOR. IT SEEMS TO BE  
10:29AM 9 PRETTY STRAIGHTFORWARD.  
10:29AM 10 BUT LET ME LET YOU CONTINUE, MS. REES. I'M SORRY.  
10:29AM 11 MS. REES: THANK YOU. SO ON THE ISSUE OF E-MAIL  
10:29AM 12 NOTICE, YOU KNOW, WE ARE PUTTING TOGETHER A LIST OF E-MAILS OF  
10:29AM 13 THE GOOGLE PLUS USERS THAT COULD POTENTIALLY HAVE BEEN AFFECTED  
10:29AM 14 BY THESE BUGS.  
10:29AM 15 WE -- GOOGLE DOESN'T HAVE DATA THAT WOULD ALLOW IT TO  
10:29AM 16 SPECIFICALLY IDENTIFY EACH PERSON THAT QUALIFIES AS A MEMBER OF  
10:29AM 17 THE CLASS, BUT CERTAINLY THERE ARE E-MAIL ADDRESSES ASSOCIATED  
10:29AM 18 WITH THESE GOOGLE PLUS ACCOUNTS, SO THAT'S SOMETHING THAT CAN  
10:29AM 19 BE GATHERED FOR PURPOSES OF THE E-MAIL NOTICE, YOU KNOW,  
10:30AM 20 SUBJECT ONLY TO, AS YOUR HONOR MENTIONED, OCCASIONALLY THERE  
10:30AM 21 WILL BE BOUNCE BACKS OR SOMEONE WHO DELETED THEIR E-MAILS SO  
10:30AM 22 THERE IS SOME EDGE CASES WHERE SOMEONE MIGHT NOT GET THE  
10:30AM 23 E-MAIL, BUT FOR THE MOST PART WE DO THINK THE E-MAIL IS A VERY  
10:30AM 24 GOOD AND COMPREHENSIVE WAY OF DOING THE NOTICE HERE.  
10:30AM 25 ONE OTHER ISSUE I JUST WANTED TO REPORT ON IS THAT THE

10:30AM 1 DEFENDANTS DID DO THE CAFA NOTICE TO GOVERNMENT OFFICIALS.

10:30AM 2 THAT WAS DONE IN JANUARY. SO FOUR MONTHS AGO. WE HAVEN'T

10:30AM 3 RECEIVED ANY RESPONSES FROM THE GOVERNMENT OFFICIALS ON THAT,

10:30AM 4 AND SO THAT'S THE STATUS OF THE CAFA NOTICE.

10:30AM 5 THE COURT: THANK YOU.

10:30AM 6 MS. REES: AND THEN BEYOND THAT WE DO BELIEVE THAT

10:30AM 7 THIS IS A VERY FAIR AND ADEQUATE SETTLEMENT. AS I THINK, YOU

10:30AM 8 KNOW, PLAINTIFFS' COUNSEL, FRANKLY, ACKNOWLEDGED THERE WERE A

10:30AM 9 LOT OF CHALLENGES FOR PLAINTIFFS IN TRYING TO PROVE LIABILITY

10:30AM 10 AND DAMAGES HERE.

10:30AM 11 THIS IS A CASE WHERE THE TYPE OF INFORMATION THAT WAS AT

10:30AM 12 ISSUE THAT WAS EXPOSED BY THESE BUGS WAS REALLY JUST THE

10:30AM 13 PROFILE FIELDS IN SOMEONE'S SOCIAL MEDIA ACCOUNTS, SO IT'S

10:31AM 14 THINGS LIKE NAME, HOME TOWN, OCCUPATION. IT WAS NOT FIELDS

10:31AM 15 THAT ARE ASKING FOR YOUR SOCIAL SECURITY NUMBER, CREDIT CARD,

10:31AM 16 ANY OF THESE REALLY PRIVATE SENSITIVE TYPES OF DATA THAT YOU

10:31AM 17 OFTEN SEE IN THESE BREACHES.

10:31AM 18 SO THAT HAD BEEN ONE OF THE ISSUES THAT, YOU KNOW, FOR THE

10:31AM 19 MOST PART THIS INFORMATION ISN'T GOING TO BE EXTREMELY

10:31AM 20 SENSITIVE, BUT IN SOME CASES SOME PEOPLE COULD HAVE HAD THAT

10:31AM 21 INFORMATION IN THERE, AND THAT'S WHY THE CLASS IS DIRECTED TO

10:31AM 22 ANYONE WHO DID HAVE PRIVATE INFORMATION IN THOSE GOOGLE PLUS

10:31AM 23 PROFILE DEALS.

10:31AM 24 BUT I THINK, AS PLAINTIFFS' COUNSEL ALSO MENTIONED, THIS

10:31AM 25 WAS A CASE ABOUT INADVERTENT SOFTWARE BUGS. THIS IS NOT A CASE

10:31AM 1 OF CLAIMING SOME KIND OF INTENTIONAL OR DELIBERATE DISCLOSURE  
10:31AM 2 OF INFORMATION. THIS IS A CASE WHERE THERE WAS NO REASON TO  
10:31AM 3 THINK THAT ANY OF THE INFORMATION THAT WAS EXPOSED WAS ACTUALLY  
10:31AM 4 MISUSED. SO THERE WERE, I THINK, A LOT OF ISSUES HERE WITH  
10:31AM 5 RESPECT TO PLAINTIFFS' CASE THAT WE HAD RAISED IN OUR MOTION TO  
10:31AM 6 DISMISS THAT WAS PENDING WHEN WE WENT AHEAD AND DID THE  
10:32AM 7 MEDIATION WITH RANDALL WULFF AND WE WERE ABLE TO REACH THE  
10:32AM 8 SETTLEMENT, BUT WE DO BELIEVE IN LIGHT OF THAT IT IS VERY FAIR  
10:32AM 9 AND ADEQUATE.

10:32AM 10 THE COURT: THANK YOU. AND YOU MENTIONED ONE OF THE  
10:32AM 11 GUIDANCE FACTORS, THE N.D. CAL GUIDANCE FACTORS, WHICH WAS THE  
10:32AM 12 CAFA NOTICE, AND SO THANK YOU FOR CAPTURING THAT.

10:32AM 13 I ALSO LOOK AT THE RELIEF, THERE IS NOT INJUNCTIVE RELIEF,  
10:32AM 14 AND I THINK WE'VE HEARD OF THAT, AND THERE'S NO REQUEST THAT  
10:32AM 15 GOOGLE PAY FOR SECURITY PROVIDERS OR PEOPLE WHO MONITOR CREDIT  
10:32AM 16 REPORTS AND THINGS. WE SOMETIMES SEE THAT IN SETTLEMENTS WHERE  
10:32AM 17 THERE HAVE BEEN ACTUAL BREACHES OF SENSITIVE INFORMATION, ET  
10:32AM 18 CETERA.

10:32AM 19 HERE IT'S A PEEK AT NAMES, PERHAPS ADDRESSES, BUT A PEEK  
10:32AM 20 THAT IT APPEARS THAT THE INDIVIDUAL SHOULD NOT HAVE HAD ACCESS  
10:32AM 21 TO, AND THAT'S WHAT IT IS.

10:32AM 22 ALL RIGHT. THANK YOU VERY MUCH.

10:32AM 23 AND THE ATTORNEYS' FEES, IT LOOKS LIKE IT'S THE -- THE  
10:32AM 24 REQUEST IS FOR UP TO 25 PERCENT, AND GOOGLE RESERVES THE RIGHT  
10:33AM 25 TO CHALLENGE ANY REQUEST IN EXCESS OF THAT.

10:33AM 1 IS THAT RIGHT, MS. REES?

10:33AM 2 MS. REES: YES, THAT'S CORRECT?

10:33AM 3 THE COURT: THANK YOU.

10:33AM 4 ALL RIGHT. ANYTHING FURTHER? MR. AZAR, YOU HAVE BEEN

10:33AM 5 ELOQUENT IN YOUR SILENCE, SIR. ANYTHING YOU WOULD LIKE TO ADD

10:33AM 6 TO THE CONVERSATION?

10:33AM 7 MR. AZAR: NO. JUDGE, I MISS BEING IN CALIFORNIA.

10:33AM 8 THE COURT: WELL, IT'S ALWAYS HERE. YOU ARE

10:33AM 9 WELCOME.

10:33AM 10 MR. AZAR: I WISH I COULD COME OUT THERE. I WENT TO

10:33AM 11 LAW SCHOOL IN SANTA CLARA, AND I WISH I COULD COME OUT THERE

10:33AM 12 AND VISIT. MY DAUGHTER LIVES IN SAN FRANCISCO, AND I'M STUCK

10:33AM 13 HERE AT HOME AND QUARANTINED.

10:33AM 14 THE COURT: WELL, YES, YES, WE'RE ALL SUFFERING THAT

10:33AM 15 BUT BETTER SAFE.

10:33AM 16 YOU KNOW, I WAS JUST AT A MEETING YESTERDAY WHERE WE WERE

10:33AM 17 DISCUSSING HOW THE CIRCUITS AND COURTS ARE GOING TO RESUME

10:33AM 18 OPERATIONS, AND I SHOULD TELL YOU THAT THE SPIRIT OF THE COURT

10:33AM 19 IS THAT WE WILL RESUME OUR OPERATIONS BUT ALWAYS WITH AN EYE

10:34AM 20 TOWARDS THE SAFETY OF THE PUBLIC AND OUR STAFF, AND THAT'S

10:34AM 21 PARAMOUNT.

10:34AM 22 SO AGAIN, PROCEEDING THIS WAY THROUGH THE ZOOM VENUE AND

10:34AM 23 OTHERS THAT WE'RE USING IS -- ALLOWS THE BUSINESS OF THE COURTS

10:34AM 24 TO GO FORWARD, IT ALLOWS YOUR RESPECTIVE CLIENTS TO HAVE THEIR

10:34AM 25 DAY IN COURT UNIMPEDED BY THE CRISIS AND WE, THE COURTS,

10:34AM 1 ENDEAVOR TO DO ALL OF THIS AND TO ACCOMPLISH WHAT WE CAN TO  
10:34AM 2 ASSIST YOU AND YOUR CLIENTS AS WE GO FORWARD.  
10:34AM 3 SO THANK YOU VERY MUCH.  
10:34AM 4 ANYTHING FURTHER THEN FROM THE PLAINTIFFS ON THE MOTION  
10:34AM 5 FOR PRELIMINARY APPROVAL?  
10:34AM 6 MR. YACHUNIS: NO, YOUR HONOR.  
10:34AM 7 IF YOU COULD INDULGE ME. ABOUT TWO AND A HALF HOURS AGO  
10:34AM 8 MY FIRST GRANDSON, JAMES HENRY YACHUNIS, WAS BORN, AND IF I WAS  
10:34AM 9 A LITTLE BIT DISCOMBOBULATED THIS MORNING IT WAS BECAUSE OF THE  
10:34AM 10 EXCITEMENT OF MY FIRST GRANDSON. I AM VERY HAPPY.  
10:34AM 11 THE COURT: WELL, CONGRATULATIONS. I'M SURE YOU'LL  
10:34AM 12 TELL HIM THAT ON HIS BIRTHDAY YOU WERE IN FEDERAL COURT,  
10:35AM 13 VIRTUALLY IN FEDERAL COURT. WELL, I APPRECIATE THAT.  
10:35AM 14 ALL RIGHT. THANK YOU FOR THAT. THANK YOU FOR THE  
10:35AM 15 DISCUSSION THIS MORNING. IT WAS HELPFUL. I DO, LOOKING AT THE  
10:35AM 16 TOTALITY OF THE CIRCUMSTANCES AND YOUR PLEADINGS, YOU HAVE LAID  
10:35AM 17 OUT A SETTLEMENT IN THIS CASE THAT IS FAIR, ADEQUATE, AND  
10:35AM 18 REASONABLE.  
10:35AM 19 THE COURT WILL GRANT THE RELIEF REQUESTED. I'LL CERTIFY  
10:35AM 20 THE SETTLEMENT CLASS AS DEFINED. I WILL GRANT PRELIMINARY  
10:35AM 21 APPROVAL OF THE SETTLEMENT AGREEMENT. THE NOTICE PROVISIONS  
10:35AM 22 THAT YOU'VE CREATED ARE APPROPRIATE. IF I HAVEN'T PREVIOUSLY,  
10:35AM 23 I THINK I HAVE THOUGH, I'LL APPOINT OR REAPPOINT THE CLASS  
10:35AM 24 COUNSEL AS INDICATED AND REQUESTED AND APPOINT THE NAMED  
10:35AM 25 PLAINTIFFS AS CLASS REPRESENTATIVES.

10:35AM 1 NOW, WHAT DATE SHOULD WE SET FOR FINAL APPROVAL? NOW, LET  
10:35AM 2 ME INDICATE THAT I'M HAPPY TO ACCEPT THE DATES THAT YOU HAVE  
10:36AM 3 OFFERED IN YOUR ORDER.

10:36AM 4 MAYBE I'LL DO THIS, AND MAYBE THE MOST PRUDENT THING TO DO  
10:36AM 5 IS THIS, IS TO ASK YOU TO MEET AND CONFER TO FINALIZE THE  
10:36AM 6 NOTICE SCHEDULES AND THEN YOU CAN SUGGEST A FINAL DATE AFTER  
10:36AM 7 YOU TALK WITH MS. KRATZMANN, AND SHE'LL BE ABLE TO PROVIDE YOU  
10:36AM 8 A FINAL SETTLEMENT DATE THAT -- ON OUR CALENDARS JUST BECAUSE  
10:36AM 9 DEPENDING ON HOW MUCH TIME YOU NEED, WE'LL HAVE TO LOOK AND SEE  
10:36AM 10 WHAT OUR OPERATIONS PERMIT FOR THAT PURPOSE.

10:36AM 11 I'M HAPPY TO INCLUDE THE RECOMMENDATION THAT JUDGE LAPORTE  
10:36AM 12 BE CONTACTED TO IDENTIFY THE CY PRES RECIPIENT AND RECEIVE  
10:36AM 13 THAT -- YOU'LL RECEIVE THAT, AND YOU'LL INCLUDE AT LEAST HER  
10:36AM 14 RECOMMENDATION AND THE REASONS FOR IT IN YOUR PROPOSED  
10:36AM 15 SETTLEMENT, FINAL SETTLEMENT FOR FINAL APPROVAL.

10:36AM 16 DOES THAT MAKE SENSE TO YOU?

10:36AM 17 MR. YACHUNIS: IT DOES, YOUR HONOR. SHOULD WE  
10:36AM 18 SUBMIT IN CHAMBERS, ONCE MS. REES AND I HAVE HAD A CHANCE TO  
10:37AM 19 TALK TO MS. KRATZMANN WITH THAT DATE, A WORD VERSION OF THE  
10:37AM 20 ORDER THAT IS SUBMITTED AS AN EXHIBIT?

10:37AM 21 THE COURT: YES.

10:37AM 22 MR. YACHUNIS: WE'LL DO THAT.

10:37AM 23 THE COURT: YES. A WORD VERSION WOULD BE  
10:37AM 24 PREFERABLE, RIGHT, ADRIANA? YOU'D LIKE THAT AND THEN YOU CAN  
10:37AM 25 MODIFY IF NEEDED?

10:37AM 1 THE CLERK: YES, YOUR HONOR.

10:37AM 2 THE COURT: ALL RIGHT. THANK YOU. IS THERE

10:37AM 3 ANYTHING ELSE? LET ME INDICATE, IF I HADN'T, THE COURT FINDS

10:37AM 4 THAT THIS SETTLEMENT IS FAIR, ADEQUATE, AND REASONABLE.

10:37AM 5 RULE 23 HAS BEEN MET, AND THE COURT WILL PRELIMINARILY

10:37AM 6 APPROVE THIS SETTLEMENT AS INDICATED. AND WE'LL WAIT TO HEAR

10:37AM 7 FROM YOU AND YOUR DOCUMENT AS TO WHAT YOU WOULD LIKE AS A FINAL

10:37AM 8 APPROVAL DATE AND WE'LL SELECT THAT.

10:37AM 9 HOPEFULLY THAT CAN BE IN PERSON. IF NOT, WE HAVE THE

10:37AM 10 BENEFIT OF THIS TECHNOLOGY TO PROCEED IF WE NEED TO.

10:37AM 11 ANYTHING FURTHER, COUNSEL?

10:37AM 12 MR. YACHUNIS: NO, YOUR HONOR, NOT FROM PLAINTIFFS.

10:37AM 13 MS. REES: NO, YOUR HONOR.

10:37AM 14 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. WE'LL

10:38AM 15 DISENGAGE THIS. IT'S GREAT SEEING YOU ALL HERE AND BE SAFE AND

10:38AM 16 YOU AND YOUR FAMILIES AND WE'LL SEE YOU SOON. THANK YOU.

10:38AM 17 MS. REES: THANK YOU.

10:38AM 18 THE CLERK: THANK YOU. THANK YOU.

10:38AM 19 (COURT CONCLUDED AT 10:38 A.M.)

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3 CERTIFICATE OF REPORTER  
4  
5  
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7 I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED  
8 STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA,  
9 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY  
10 CERTIFY:

11 THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS  
12 A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE  
13 ABOVE-ENTITLED MATTER.

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IRENE RODRIGUEZ, CSR, RMR, CRR  
17 CERTIFICATE NUMBER 8074  
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19 DATED: MAY 26, 2020  
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